

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Matthew Chaves	Team: Squad #7	CCRB Case #: 201908683	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/01/2019 8:47 PM	Location of Incident: § 87(2)(b)	Precinct: 120	18 Mo. SOL 4/1/2021	EO SOL 11/16/2021	
Date/Time CV Reported Wed, 10/02/2019 12:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 10/02/2019 12:30 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Lisa Williams-peter	21850	944862	123 PCT
2. POM Kevin Vega	20511	959339	120 PCT
3. POM Joseph Everett	21810	959621	120 PCT
4. An Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Giannattasio	20273	964016	120 PCT
2. POM Daniel Murro	04222	964183	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Lisa Williams-peter	Abuse: Police Officer Lisa Williams-Peter threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
B.POF Lisa Williams-peter	Discourtesy: Police Officer Lisa Williams-Peter spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POF Lisa Williams-peter	Abuse: Police Officer Lisa Williams-Peter threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.POM Kevin Vega	Abuse: Police Officer Kevin Vega forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
E.POM Joseph Everett	Abuse: Police Officer Joseph Everett forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
F. An Officer	Abuse: An officer searched § 87(2)(b)'s recording device.	§ 87(2)(b)
G. An Officer	Abuse: An officer deleted information on § 87(2)(b)'s electronic device.	§ 87(2)(b)

Case Summary

On October 2, 2019, § 87(2)(b) appeared at the CCRB as a walk-in complainant and filed the following complaint.

At an unknown time on October 1, 2019, § 87(2)(b) was upstairs in her house, located at § 87(2)(b) in Staten Island. Her next-door neighbor, PO Lisa Williams-Peter of the 123rd Pct., was off-duty and allegedly standing in the backyard of her own house, located at § 87(2)(b) (next door to § 87(2)(b)'s home). PO Williams-Peter allegedly told § 87(2)(b) to "come outside so I can kick your fucking ass." (**Allegation A: Abuse of Authority: Threat of force:** § 87(2)(g), **Allegation B: Discourtesy: Word:** § 87(2)(g)) PO Williams-Peter allegedly said that she would have § 87(2)(b) "locked up." (**Allegation C: Abuse of Authority: Threat of arrest:** § 87(2)(g)) PO Williams-Peter then allegedly spoke to her neighbors on the other side of her property about getting § 87(2)(b) into legal trouble (within **Allegation C**).

At approximately 8:47 PM that same day, PO Joseph Everett and PO Kevin Vega of the 120th Precinct responded to § 87(2)(b)'s and PO Williams-Peter's block. A few minutes later, PO Anthony Giannattasio and PO Daniel Murro of the 120th Precinct arrived as backup, along with two EMTs in an ambulance. After speaking to § 87(2)(b) two of her neighbors, and the EMTs, PO Vega and PO Everett handcuffed § 87(2)(b) and forced her to enter the ambulance (**Allegation D: Abuse of Authority: Forcible removal to hospital:** § 87(2)(g), **Allegation E: Abuse of Authority: Forcible removal to hospital:** § 87(2)(g)). The EMTs then transported § 87(2)(b) to § 87(2)(b) for evaluation.

Over the course of the forcible removal and § 87(2)(b)'s hospital intake procedure, officers allegedly accessed her phone's files, looked through her photos, and deleted photos of police officers that she had previously taken (**Allegation F: Abuse of Authority: Search of recording device:** § 87(2)(g), **Allegation G: Abuse of Authority: Electronic device information deletion:** § 87(2)(g)).

The investigation obtained no video of the first portion of this incident, as it involved an off-duty officer and occurred on private property. The investigation obtained BWC videos from PO Everett (**Board Review 01, 05, and 08**), PO Vega (**Board Review 02, 06, and 07**), PO Murro (**Board Review 03**), and PO Giannattasio (**Board Review 04**) of the second portion of the incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Lisa Williams-Peter threatened § 87(2)(b) with the use of force.

Allegation B – Discourtesy: Police Officer Lisa Williams-Peter spoke discourteously to § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Lisa Williams-Peter threatened to arrest § 87(2)(b)

§ 87(2)(b) provided a sworn statement at the CCRB on October 2, 2019 (**Board Review 09**). PO Williams-Peter was interviewed on March 26, 2021 (**Board Review 10**).

It is undisputed that as of the incident date, PO Williams-Peter and § 87(2)(b) had been next-door neighbors for multiple years and had maintained an ongoing dispute centered on their shared property line. § 87(2)(b) has filed numerous IAB and CCRB complaints about PO Williams-Peter and other officers (see § 87(2)(b)s and PO Williams-Peter's CCRB histories).

In her sworn statement, § 87(2)(b) said that she was inside her house when she saw her next-door neighbor, PO Williams-Peter, apparently off-duty and standing in the backyard of the house next door (the officer's home). § 87(2)(b)s window was open, allowing the two women to speak and hear one another. PO Williams-Peter said things to § 87(2)(b) that she could not recall, and § 87(2)(b) told PO Williams-Peter to "keep doing [her] voodoo." PO Williams-Peter told § 87(2)(b) to "come outside so I can kick your fucking ass." PO Williams-Peter also told § 87(2)(b) "I'm going to have you locked up." PO Williams-Peter then spoke to the residents of § 87(2)(b) about calling the police on § 87(2)(b).

In her interview, PO Williams-Peter had no independent recollection of this incident and provided no initial statement. She said that she was not working as a police officer as it was her regular day off (RDO), and this is consistent with her memo book entries and the 123rd Precinct's roll call for that date (**Board Review 11**).

PO Williams-Peter said that she did not interact with § 87(2)(b) on the incident date. She knew this because she "makes it a point not to interact with § 87(2)(b)." PO Williams-Peter denied arguing with § 87(2)(b) while the two women stood in their respective backyards. PO Williams-Peter denied telling § 87(2)(b) "Come outside so I can kick your fucking ass." PO Williams-Peter denied saying that she would have § 87(2)(b) "locked up" or arrested. PO Williams-Peter denied talking to or telling other residents of the incident block. According to PO Williams-Peter, all her neighbors know about § 87(2)(b) because § 87(2)(b) harasses the neighbors. PO Williams-Peter was not aware of any events or factors that would have led § 87(2)(b) to file a CCRB complaint against her regarding the incident date.

PO Williams-Peter was not aware that at approximately 8:47 PM on the incident date, uniformed, on-duty officers and EMTs responded to § 87(2)(b)s house. She was not familiar with PO Kevin Vega or PO Joseph Everett by name. She was not aware that on the incident date, emergency personnel removed § 87(2)(b) to a hospital.

The investigation obtained no recordings or images of the alleged interaction between § 87(2)(b) and PO Williams-Peter. § 87(2)(b) did not describe there being any independent witnesses to the interaction, and, as it allegedly happened while PO Williams-Peter was off-duty, there are no police documents associated with it. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Kevin Vega forcibly removed § 87(2)(b) to the hospital.

Allegation E – Discourtesy: Police Officer Joseph Everett forcibly removed § 87(2)(b) to the hospital.

PO Murro was interviewed on September 30, 2020 (**Board Review 12**). PO Vega was interviewed on December 14, 2020 (**Board Review 13**). PO Everett was interviewed on May 6, 2021 (**Board Review 14**). Sgt. Mena Maximos of the 120th Precinct was interviewed on October 21, 2021 (**Board Review 18**). Sgt. John Foley of the 120th Precinct was interviewed on October 22, 2021 (**Board Review 19**).

According to 911 records, at approximately 8:44 PM on the incident evening, someone called 911 and reported that § 87(2)(b) was cursing at and threatening her neighbors. The caller described § 87(2)(b) as non-violent as of their call. The 911 dispatcher categorized § 87(2)(b) as an EDP (**Board Review 15**).

The following portion of the incident is clearly documented in multiple BWC videos, which collectively capture § 87(2)(b)'s removal to the hospital from start to finish. PO Vega and PO Everett each recorded three BWC videos, and their first videos are the most material to these allegations. These videos show that PO Vega and PO Everett were the first emergency workers to reach § 87(2)(b)'s home. § 87(2)(b) came out of her home and approached the officers, who first spoke to her at the end of her driveway. At 1:50 of his first BWC video (**Board Review 01**), PO Everett approached a man slightly down the block who said his mother may have been the one to call 911. The man said that he "fears for his life" and PO Everett told him that that "we" were requesting an ambulance. PO Everett then said that he was going to wait with PO Vega to ensure that § 87(2)(b) did not go back inside and walked back to § 87(2)(b)'s position.

At 2:42, § 87(2)(b) walked back towards her house and said that the police were not taking her anywhere. PO Vega told § 87(2)(b) that EMS wanted to talk to her. By this point, an ambulance had arrived and was parked in the street. PO Everett escorted § 87(2)(b) to the ambulance's front cab, where two EMTs were seated. At 3:04, PO Everett told them that § 87(2)(b) was an EDP. As § 87(2)(b) talked to the EMTs and described an ongoing property line dispute between her and her neighbors, PO Everett used his radio to tell the dispatcher not to send any more units, saying "no further" and "cancel the boss if he gets here" (4:06).

PO Vega's first BWC video offers a clear account of his actions over approximately the same portion of the incident (**Board Review 02**). At 3:20, PO Vega walked away from § 87(2)(b) the ambulance, and PO Everett, and spoke to the same man down the block that PO Everett had spoken to almost immediately prior. The man described walking down the block, seeing § 87(2)(b) on the phone, and hearing her tell whoever she was talking to that he was a drug dealer. The man told § 87(2)(b) that if she was on the phone with police, to tell them that he feared for his life. PO Vega asked the man if § 87(2)(b) was doing anything erratic, and he said that § 87(2)(b) had been walking up and down the block in the middle of the street with cars around. The man then said that § 87(2)(b) does this every day. PO Vega asked the man to specify what he saw that day, and the man said that he just got home. At approximately 4:01, PO Vega began walking away from the man. At 4:20, PO Vega walked down the block and encountered a woman. PO Vega asked her what she saw § 87(2)(b) do that day, and the woman said she did not know. This is the only interaction that PO Vega had with this woman over the course of the incident.

At 4:33, PO Vega got back to the ambulance and § 87(2)(b) PO Vega said, “Ma’am, somebody called 911 claiming that you were walking up and down the middle of the street.” § 87(2)(b) said that this was a lie and that she just came from the store. PO Vega and § 87(2)(b) argued back and forth about this issue. PO Vega asked § 87(2)(b) if she takes medication and she said no. PO Vega asked § 87(2)(b) when the last time she went to the hospital was, and § 87(2)(b) expressed confusion without answering the question. PO Vega repeated the question and § 87(2)(b) denied going to a hospital. At 5:35, PO Vega said, “Today, you’re going to have to go to the hospital.” § 87(2)(b) asked for what, and PO Vega said, “You’re going to have to get evaluated.”

Throughout this exchange, the EMTs did not talk to § 87(2)(b) at all. Rather, they only stood back and watched. PO Giannattasio’s BWC video shows PO Vega talking to § 87(2)(b) and ordering her hospitalization as described above (0:30 to 1:45 of **Board Review 04**). From 1:55 to 2:03 of this video, a male EMT asked PO Giannattasio “You guys gonna EDP her? Alright, then I guess you gotta cuff her.”

The officers’ BWC videos all show that the officers escorted § 87(2)(b) to the ambulance’s rear, handcuffed her, and then put her inside the ambulance. PO Everett’s first BWC video shows that once § 87(2)(b) was inside the ambulance, an EMT said, “If you guys deem her an EDP, then, that’s it.” PO Everett replied, “She’s been EDP’ed multiple times.” The EMT said, “If you guys deem it” (8:35 of **Board Review 01**).

Collectively, the BWC videos show § 87(2)(b) talking and arguing with officers but taking no physically threatening actions. Across all the videos, § 87(2)(b) never verbally threatened herself or anyone else.

In their interviews, PO Vega, PO Everett, and PO Murro all said they were familiar with § 87(2)(b) prior to this incident and had previously responded multiple times to her house. PO Vega and PO Murro had both previously been present when § 87(2)(b) was removed to the hospital, and both described her as having an unknown mental health condition. PO Everett recalled responding to EDP-labeled incidents involving § 87(2)(b) but did not recall if he had ever been present when she was removed to a hospital. These statements are broadly consistent with § 87(2)(b)’s CCRB history (see below, and **Board Review 17**), which contains numerous incidents involving forcible removals to hospitals.

In his interview, PO Vega initially said that, in this incident, EMTs spoke to § 87(2)(b) and determined that she needed to go to a hospital. However, after the investigation played his BWC video, PO Vega modified his statement and acknowledged that he was the one who determined that § 87(2)(b) needed to go to the hospital. PO Vega said that for the police to hospitalize someone as an EDP, they must be a danger to themselves. In this case, § 87(2)(b) was a danger to herself because the 911 caller told the dispatcher that she was walking up and down the middle of the street. When PO Vega spoke to the first neighbors, they said that § 87(2)(b) was walking in the street near cars. PO Vega considered this information credible as someone had called 911 about it. PO Vega did not recall whether he saw § 87(2)(b) do anything that put herself in danger. Additionally, § 87(2)(b) had a history of being an EDP. There were no other factors that led him to hospitalize § 87(2)(b).

In his interview, PO Everett initially said that he had almost no recollection of this incident and referred to his memo book when answering basic narrative questions. The investigation played portions of PO Everett’s first BWC video (**Board Review 01**) to refresh

his recollection and serve as a basis for questions. The investigation played from 3:11 to 4:20. PO Everett stated that, as of the incident date, a supervisor was automatically notified of an EDP job by dispatch by procedure. PO Everett did not recall if a supervisor responded during this incident. When asked whether he used his radio to “cancel the boss,” PO Everett said, “I heard that audio on the video, but I don’t know if that was me or my partner.” PO Everett said that if an EDP is non-violent, officers usually cancel the supervisor and any other officers coming to the scene.

From 7:03 to 8:44, PO Everett heard someone say, “She’s been EDPed multiple times,” and said that it sounded like his voice. PO Everett did not recall, as of the interview, whether § 87(2)(b) had been hospitalized multiple times prior to the incident. PO Everett did not recall whether an EMT ever asked him if § 87(2)(b) should be taken to the hospital. He did not recall who decided that § 87(2)(b) needed to go to the hospital. Having seen the video, PO Everett did not see anything happening in it that, from his viewpoint as an officer, led him to believe that § 87(2)(b) was an EDP during the incident.

In his interview, PO Murro said that he did not observe § 87(2)(b) do or say anything that indicated she was a threat to herself. The most aggressive behavior that PO Murro observed from § 87(2)(b) was raising her voice.

In their interviews, both Sgt. Maximos and Sgt. Foley confirmed that they were working as patrol supervisors during this incident but did not respond to this job. They both stated that, based on the incident type and the 911 caller’s statements, they would not have responded to this job because it was not a “priority job.” Both sergeants described the category of “priority job” as somewhat flexible and procedurally undefined but encompassing in-progress incidents involving a serious crime or the likelihood of injury (robberies, assaults, shootings, etc.). Sgt. Foley also said that in many EDP incidents, it can be counterproductive to send too many officers to the scene, as this can upset the involved civilian and escalate matters. Both sergeants confirmed that they could hear PO Everett “cancel the boss” in his BWC video and said that it was routine for responding police officers (POs) to determine the need for supervisors or backup on scene. Both sergeants said that if a responding subordinate officer “canceled” them over the radio at a “non-priority job”, that they would not respond.

Under NYPD Patrol Guide Procedure 221-13, officers may take a civilian into protective custody when they reasonably believe that the civilian is apparently mentally ill or emotionally disturbed and is conducting himself in a manner likely to result in a serious injury to himself or others (**Board Review 16**).

It is undisputed that emergency workers removed § 87(2)(b) to the hospital during this incident. PO Vega acknowledged that he decided to remove § 87(2)(b) and that EMTs did not make this determination, as shown on BWC video. While PO Everett did not recall material elements of this incident, the BWC videos show that he specifically described § 87(2)(b) as an EDP to EMTs and affirmed that § 87(2)(b) should be removed when an EMT asked him. Furthermore, PO Everett used his radio to stop a supervisor from responding to this incident.

§ 87(2)(g)

As shown in the BWC videos and acknowledged by all three interviewed, on-scene officers, § 87(2)(b) never threatened another person on the incident date. § 87(2)(g)

time officers responded, she was inside her house. At no point does the video show § 87(2)(b) attempting to walk in a dangerous or illegal area, and, when asked, § 87(2)(b) disputed that she ever did so. Even § 87(2)(b)'s neighbor, when speaking to PO Vega, was unsure of whether § 87(2)(b) had been walking in the street on the incident date.

§ 87(2)(g)

Allegation F – Abuse of Authority: An officer searched § 87(2)(b)'s recording device.
Allegation G – Abuse of Authority: An officer deleted information on § 87(2)(b)'s electronic device.

In her sworn statement, § 87(2)(b) said that an officer took her cellphone out of her hand as the officers handcuffed her. As she walked around the ambulance, an officer passed the phone to another officer, who “hit one button” on the phone. § 87(2)(b) asked for her cellphone and an officer said she would get it back at the hospital.

At the hospital, § 87(2)(b) asked for her phone back during the check-in process. She saw an officer hand her phone to another officer, who put it into a brown paper property bag. § 87(2)(b) never saw a police officer handle her phone after this.

Upon her being released from the hospital a few hours later, a hospital employee told § 87(2)(b) that she needed to travel home in an ambulance for safety reasons. An ambulance with two new EMTs drove § 87(2)(b) home. During the ride home, § 87(2)(b) showed one of the EMTs her phone, which had become “distorted.” When asked by the investigation to explain what she meant by “distorted,” § 87(2)(b) said that the cellphone’s screen was not displaying the usual information and options and she could not figure out how to make a call. § 87(2)(b) was unable to be more specific about the phone’s “distorted” state. The EMT restored the phone to its usual state, and § 87(2)(b) used it to make phone calls.

§ 87(2)(b) could not clearly recall whether she took any photos during this incident. She believed that she took one or two photos of an officer while standing in her driveway but was not sure. § 87(2)(b) did not record any videos during this incident. § 87(2)(b) believed that an officer went through her cellphone, looked at pictures and earlier videos, and deleted any photos from this incident or of police officers from earlier dates.

All three interviewed officers denied accessing § 87(2)(b)'s phone’s files. The officers consistently explained that when handcuffing someone, officers must make sure their hands are empty so that they don’t have anything they can use as a projectile or bludgeoning weapon.

PO Vega’s first BWC video shows him handling § 87(2)(b)'s phone (6:00 to 7:00 of **Board Review 02**). PO Vega asked if unseen people wanted to put § 87(2)(b) “in the back of

[illegible]

- PO Williams-Peter has been a member of service for 14 years and has been the subject of one prior CCRB complaint and four prior allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Vega has been a member of service for six years and has been the subject of one prior CCRB complaint and two prior allegations, neither of which were substantiated. § 87(2)(g)
- Police Officer Everett has been a member of service for five years and has been the subject of one prior CCRB complaint and one prior allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was unsuitable for mediation.
- A request for any Notice of Claim filed regarding this complaint has been submitted to the New York City Office of the Comptroller and the results will be added to this report upon receipt.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**Board Review 18**).

Squad No.: 7

Investigator: Matt Chaves SI Matt Chaves 09/22/2021
Signature Print Title & Name Date

CCRB Case # 201909820

Squad Leader:	_____	Manager Vanessa Rosen	September 23, 2021
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date